

4394. Misbranding of "Pneumovita (Life of the Lungs)." U. S. * * * v. Edwin H. Moore. Plea of nolo contendere. Fine, 6-1/4 cents and costs. (F. & D. No. 6145. I. S. No. 8021-e.)

On September 13, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edwin H. Moore, Pittsburgh, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 20, 1913, from the State of Pennsylvania into the State of Massachusetts, of a quantity of "Pneumovita (Life of the Lungs)," which was misbranded. The article was labeled: (On box and wrapper around each stick) "Pneumovita (Life of the Lungs) Guaranteed Under Pure Food and Drugs Act, June 30, 1906, Serial No. 28995 This remedy is in no way considered a chewing gum, but is put up in this form for convenience in administering to children and persons of delicate stomachs. This has proven in actual practice to be the best remedy known for Tuberculosis, (Consumption) and its forerunners—Bronchitis, Chronic Cough and Diseases of the Throat. Its action is quick and results lasting. Furthermore, it prepares the stomach for the best possible assimilation of food by removing Nausea, relieving Waterbrash, Indigestion and Fermentation. Dose: One square, for child or adult four to five, or more times daily. Chew it ten to thirty minutes. This gives continual medication during that time. Compounded under the supervision of Dr. E. H. Moore, N. S., Pittsburgh, Pa. Specialist in diseases of the Throat, Lungs, and Chronic Diseases." The circular or pamphlet accompanying the article contained, among other things, the following: "I have been giving the drug ingredients of Pneumovita continual and careful clinical tests during fourteen years of active medical practice and Pneumovita as it is now offered, for over one year, and have proven to my patients, as well as to my own satisfaction that it is the most efficient remedy in the early stages of Tuberculosis and many of those more advanced. The thoroughness of its action is shown by the fact that it will cure diseased conditions of the air passages, which greatly contribute to making easy victims of humanity to this dread disease, such as Enlarged Tonsils, Inflamed Throat, Bronchitis, Asthma and General Catarrhal conditions. Pneumovita acts by healing ruptured blood vessel, stopping hemorrhage, (it stops passive hemorrhage in most any part of the body) destroying the germs and cleaning the infected parts, by so strengthening the vital forces that the disease is overcome, or incasing the germs with renewed healthy tissue where they become hardened and harmless. For the very advanced stages of consumption, we claim no permanent help, but do claim that Pneumovita will relieve the aggravating cough, difficult breathing and smothering sensations which so destroy comfort in the last stages, so the patient can lie down with ease, get a good night's sleep and feel refreshed in the morning." "Pneumovita on the contrary does not injure the stomach, heart, or any other organs of the body, but actually relieves functional and many structural diseases of the stomach, such as Water-brash, Heartburn, Gas Fermentation, Dyspepsia, and Ulceration."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sucrose (per cent)-----	71.51
Invert sugar (per cent)-----	0.30
Chloroform-soluble material (resin) (per cent)-----	18.46
Charcoal (per cent)-----	2.72
Ash (per cent)-----	2.23

Phosphorous pentoxid calculated as iron phosphate
 (FePO₄) (per cent)----- 0.28
 Methyl salicylate, salicylic and benzoic acids----- Trace.
 Alkaloids: Absent.

A sweetened gum, containing small amounts of charcoal and iron phosphate, flavored with methyl salicylate.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit "Pneumovita * * * This has proven in actual practice to be the best remedy known for Tuberculosis (Consumption)," and included in the circular or pamphlet aforesaid, to wit, "I * * * have proven to my patients * * * that it is the most efficient remedy in the early stages of Tuberculosis and many of those more advanced. The thoroughness of its action is shown by the fact that it will cure diseased conditions of the air passages, which greatly contribute to making easy victims of humanity to this dread disease, such as Enlarged Tonsils, * * *. Pneumovita acts by healing ruptured blood vessels stopping hemorrhage, (it stops passive hemorrhage in most any part of the body) * * *," "Pneumovita * * * actually relieves * * * functional and many structural diseases of the stomach, such as * * * Ulceration," were false and fraudulent in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for tuberculosis, as the most efficient remedy in the early stages of consumption and many of those more advanced, and effective for curing enlarged tonsils, and effective for stopping hemorrhage by healing the ruptured blood vessel, and for relieving structural diseases of the stomach, such as ulceration, when, in truth and in fact, said article was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On September 13, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of 6-1/4 cents, with costs of \$15.07.

C. F. MARVIN, *Acting Secretary of Agriculture.*